

PART 70/ENHANCED NSR/FESOP PERMIT APPLICATION INSTRUCTIONS

ATTACHMENT 6

OWNER AND OCCUPANT NOTIFICATION REQUIREMENTS

July 1995

Owner and Occupant Notification Requirements -- Instructions

Certain sources must comply with the Indiana Code (IC 13-15-8) concerning the notification of adjoining land owners and/or occupants about a Part 70 or FESOP application. The requirement for Part 70 sources is found in 326 IAC 2-7-17(3) and for FESOP sources it is required under 326 IAC 2-8-13(a).

This attachment includes the following information/affidavits:

AFFIDAVIT OF APPLICABILITY
OWNERS AND OCCUPANTS NOTIFICATION
AFFIDAVIT OF NONAPPLICABILITY

This requirement only affects those sources for which a valid existing permit has not been issued or if the source is being constructed upon undeveloped land. Please review the information provided on the Owner and Occupant Notification sheet to determine if this requirement applies to your source.

If the requirement does not apply to your source, then complete the Affidavit of Nonapplicability and return with your application. If this requirement does apply, then complete the Affidavit of Applicability and the Owner and Occupant Notification and return this information with the application forms.

AFFIDAVIT of APPLICABILITY

_____, being first duly sworn upon oath, deposes and says:

1. I live in _____ County, Indiana, and being of sound mind and over twenty-one (21) years of age, I am competent to give this affidavit.
2. I hold the position of _____ for _____
____ (permit applicant's or source's name).
3. By virtue of my position with _____ (permit applicant's name),
I am authorized to make the representation contained in this affidavit on behalf of the source.
4. I understand that the notice requirements of Ind. Code 13-15-8 applies to _____
_____ (permit applicant's or source's name) for purposes of the
accompanying permit application.
5. As required by Ind. Code 13-15-8, the permit applicant will send written notice to adjacent landowners not
more than ten (10) days after submission of the accompanying application for _____
_____ (briefly describe type of permit
application) filed on behalf of _____
(permit applicant's or source's name).

Further Affiant Saith Not.

I affirm under the penalty for perjury that the representations contained in this affidavit are true, to the best of
my information and belief.

Date

signature of affiant

printed name

STATE OF INDIANA)
)

COUNTY OF _____)

Before me a notary Public in and for said County and State, personally appeared _____
_____, and being first duly sworn by me upon oath, says that the fact stated in the foregoing instrument
are true. Signed and sealed this _____ day of _____, 20 _____.

Printed: _____

My Commission Expires: _____

Residence of _____ County

OWNERS and OCCUPANTS NOTIFICATION

IC 13-15-8 requires that certain applicants comply with its notification provisions. The text of this section is cited below.

IC 13-15-8 Undeveloped property; notice to owners and occupants of adjoining land; exceptions

Sec. 1.1. (a) This section applies as follows:

This section applies to an application for a permit issued under section 1 of this chapter upon property:

- (A) that is undeveloped; or
- (B) for which a valid existing permit has not been issued.

(2) This section does not apply to an application for a permit issued under section 1 of this chapter if the permit is for the construction, installation, or modification of any of the following:

- (A) A combined sewer.
- (B) A sanitary sewer.
- (C) A storm sewer.
- (D) A public water supply.
- (E) A water main extension.

(b) Not more than ten (10) working days after submitting an application for a permit issued under section 1 of this chapter, the person that submitted the application for the permit shall make a reasonable effort to provide notice:

- (1) to all owners of land that adjoins the land that is the subject of the permit application; or
- (2) if the owner of land that adjoins the land that is the subject of the permit application does not occupy the land, to all occupants of the land;

that the person has submitted the application for the permit.

(c) The notice provided by a person under subsection (b) shall:

- (1) be in writing;
- (2) include the date on which the application for the permit was submitted to the department; and
- (3) include a brief description of the subject of the application.

(d) A person that submits an application for a permit under section 1 of this chapter shall pay the costs of complying with section. *As added by P.L. 159-1993, SEC.2.*

If this statutory requirement applies to the facilities subject to this application, please complete form EE-1 (IC 13-15-8 Affidavit of Notification) and Form EE-2 (Owners and Occupants Notified)

If this statutory requirement does not apply, please complete form EE-3 (IC 13-15-8 Affidavit of Nonapplicability).

Name:	Name:
Address:	Address:
Date notified / / Method of notification	Date notified / / Method of notification

Name:	Name:
Address:	Address:
Date notified / / Method of notification	Date notified / / Method of notification

Name:	Name:
Address:	Address:
Date notified / / Method of notification	Date notified / / Method of notification

AFFIDAVIT of NONAPPLICABILITY

_____, being first duly sworn upon oath, deposes and says:

1. I live in _____ County, Indiana, and being of sound mind and over twenty-one (21) years of age, I am competent to give this affidavit.
2. I hold the position of _____ for _____ (permit applicant's or source's name).
3. By virtue of my position with _____ (permit applicant's name), I am authorized to make the representation contained in this affidavit on behalf of the source.
4. I understand that the notice requirements of Ind. Code 13-15-8 do not apply to _____ (permit applicant's or source's name) for purposes of the accompanying permit application.

Further Affiant Saith Not.

I affirm under the penalty for perjury that the representations contained in this affidavit are true, to the best of my information and belief.

Date

signature of affiant

printed name

STATE OF INDIANA)
)

COUNTY OF _____)

Before me a notary Public in and for said County and State, personally appeared _____, and being first duly sworn by me upon oath, says that the fact stated in the foregoing instrument are true. Signed and sealed this _____ day of _____, 20 _____.

Printed: _____

My Commission Expires: _____

Residence of _____ County